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November 3, 2017

**VIA ECF AND HAND DELIVERY**

Honorable Paul G. Gardephe  
United States District Court Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
Courtroom 705  
New York, New York 10007

Re: *MiMedx Group, Inc. et al. v. Sparrow Fund Management LP, et al.*  
Case No. 17-cv-07568 (PGG) (KHP)

Dear Judge Gardephe:

We represent plaintiff MiMedx Group, Inc. in the above-referenced matter, which was reassigned to Your Honor yesterday from Judge Deborah A. Batts. In accordance with Section VI of Your Honor's Individual Rules of Practice in Civil Cases, enclosed please find courtesy copies of the following e-filed documents:

- Plaintiffs' October 4, 2017 Complaint for Damages and Injunctive Relief;
- Plaintiffs' Notice of Motion for Expedited Discovery on an Emergency Basis (the "Expedited Discovery Motion"), including:
  - Declaration of Daniel L. Brown in Support of Plaintiffs' Motion for Expedited Discovery on an Emergency Basis;
  - Declaration of David M. Pernini in Support of Plaintiffs' Motion for Expedited Discovery;
  - Memorandum of Law in Support of Plaintiffs' Motion for Expedited Discovery on an Emergency Basis;
- Defendants' Memoranda of Law in Opposition to the Expedited Discovery Motion; and
- Plaintiffs' Omnibus Reply Memorandum of Law in Support of the Expedited Discovery Motion.



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As set forth in the Expedited Discovery Motion, Plaintiffs have requested leave to serve party discovery and third-party subpoenas in order to discover the identity of defendant Viceroy Research ("Viceroy"). Plaintiffs' claims against Viceroy cannot proceed in this action until Plaintiffs are able to identify and serve Viceroy. In light of the exigencies described in the Expedited Discovery Motion, and the time that has passed since the Motion was fully submitted due to the reassignment of this case, Plaintiffs respectfully request that this Court consider the Expedited Discovery Motion on an emergency basis. Plaintiffs also respectfully request oral argument in connection with the Expedited Discovery Motion.

Additionally, defendant Sparrow Fund Management LP ("Sparrow"), as well as defendants John Fichthorn and BR Dialectic Capital Management, LLC (collectively, the "Fichthorn Defendants") filed respective motions to dismiss Plaintiffs' Complaint on October 26, 2017. As this case was not assigned to Your Honor at that time, the parties did not exchange pre-motion letters in accordance with Section IV.A of Your Honor's Individual Rules of Practice in Civil Cases. Plaintiffs are preparing to file their opposition to defendants' motions to dismiss on November 9, 2017, in accordance with this Court's Local Rules, however, Plaintiffs are prepared to appear for a pre-motion conference in connection with the motions to dismiss if the Court wishes to hold such a conference.

Finally, if the Court prefers that the motion to dismiss proceed with the current briefing schedule, Plaintiffs' respectfully request leave to file a single thirty page omnibus memorandum of law in opposition to the motions to dismiss filed by Sparrow and the Fichthorn Defendants. Sparrow's memorandum of law is twenty-three pages long, and the Fichthorn Defendants' memorandum of law is fifteen pages long. Plaintiffs believe that they can more efficiently address defendants' arguments in a single omnibus memorandum of law, provided this Court grants Plaintiffs permission to exceed this Court's established page limit by five additional pages.

Respectfully submitted,

/s/ Daniel L. Brown

Daniel L. Brown  
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Enclosures

cc: All Counsel of Record (*via ECF only without enclosures*)